



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adamczyk, *et al.*

Serial No: 09/914,388

Filed: January 24, 2002

Confirmation No.: 5121

Group Art Unit: 2645

Examiner: Phan, Joseph T.

Docket No. 190252-1570

For: **Methods and Systems for Enabling Return to Same Position in a Review of Messages in a Voice Mail System Using Tag or Identifier Stored in the Voice Mail System**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicants provide the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, while Applicants agree with the Examiner that the stated reasons for allowance of claims are indeed proper grounds for allowance of these claims, there are other additional reasons why these claims are allowable over the prior art of record, and Applicants do not admit that the stated reasons for allowance are the only reasons for allowance.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, the dependent claims that were not

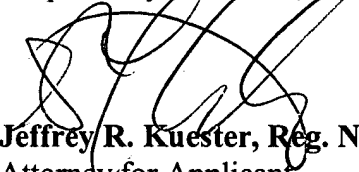
addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Finally, in the Notice of Allowability, the Examiner checked the box indicating that the drawings filed on January 24, 2004 are accepted. Applicants respectfully note that the drawings were filed on January 24, 2002 and were indicated as accepted in the Office Action (Paper No. 5) mailed on August 6, 2003.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Date: 12-13-04

Docket: 190252-1580

**THOMAS, KAYDEN, HORSTEMEYER
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CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

on

12-13-04

Jeffrey R. Kuester

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The following is a list of documents enclosed:

- Return Postcard
- Issue Fee Transmittal
- Fee Transmittal
- Credit Card Authorization - Authorizing \$1400.00
- Credit Card Authorization - Authorizing \$1370.00
- Amendment After Allowance
- Comments on Statement for Reasons for Allowance
- Petition to Claim Benefit Under 35 USC 119(e) of Prior Filed Provisional Applications (37 CFR 1.78(a)(6))

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Customer No.: **38823**

Effective on 12/08/2004

Fees Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

Complete if Known

Application Number **09/914,388**
 Filing Date **January 24, 2002**
 First Named Inventor **Adamczyk, et al.**
 Examiner Name **Phan, Joseph T.**
 Art Unit **2645**
 Attorney Docket No. **190252-1570**

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$1400 and \$1370 = \$2770.00)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☐ Deposit Account Deposit Account Number: **20-0778** Deposit Account Name: **Thomas, Kayden, Horstemeyer Risley, L.L.P.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	Filing Fees		Search Fees		Examination Fees		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESSIVE CLAIM FEESFee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent
 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent
 Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims -20 or HP = Extra Claims Fee (\$) Fee Paid (\$)
 HP = highest number of total claims paid for, if great than 20

Multiple Dependent Claims
Fee (\$) Fee Paid (\$)
 0 0

Indep. Claims -3 or HP = Extra Claims Fee (\$) Fee Paid (\$)
 HP = highest number of total claims paid for, if great than 20

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 USC 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets -100 = Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
 (round up to a whole number) x 0 x 0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee - Acceptance of Unintentionally Delayed Claim for Priority; Petition to Claim Benefit Under 35 USC 119(e) of Prior Filed Provisional Applications (37 CFR 1.78(a)(6))

Fee Paid (\$)
 0
 2770

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name **Jeffrey R. Kuester** Registration No. **34,367** Telephone Number **770-933-9500**
 Signature *[Signature]* Date **12-13-04**

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) and application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2